



Appeal Decision

Site visit made on 21 January 2025

by **N Bowden BA(Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28th February 2025

Appeal Ref: APP/W1905/W/24/3348279

Garages 1-75 Lawrance Gardens, Cheshunt EN8 0AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Rhys Bartle (B3 Living) against the decision of Broxbourne Borough Council.
 - The application Ref is 07/23/0102/FUL.
 - The development proposed is the demolition of garages 1-75 and erection of 17 residential units consisting of 15no. two bed flats and 2no. three bed flats with associated parking, amenity space and refuse storage.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of garages 1-75 and erection of 17 residential units consisting of 15no. two bed flats and 2no. three bed flats with associated parking, amenity space and refuse storage at Garages 1-75 Lawrance Gardens, Cheshunt EN8 0AN in accordance with the terms of the application, Ref 07/23/0102/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. In allowing the appeal I have used the description of development provided on the appeal form and Council's decision notice. This is to reflect that the development was amended during the course of the application from a total of 18 dwellings to 17 along with other revisions including the design and layout.
3. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. As the changes to the Framework do not affect the main issues in the case, the parties have not been invited to make further comments in this regard.

Main Issues

4. The main issues are:
 - 1) the effect of the proposed development on the character and appearance of the area, and
 - 2) whether the proposed development provides adequate on-site vehicle parking and effects of overspill vehicle parking on the highway network.

Reasons

Character and appearance

5. The appeal site is set within an established built-up area formed of a variety of types of predominantly 20th century residential development. There is a wide mix of building types and vernaculars ranging from early 20th century terraces to inter and post war suburban housing development in the form of houses and flats in addition to modern infill. The site is set just beyond a small shopping and commercial centre which is focused along High Street. Building heights vary but these are mainly two or three storey in height albeit with varying roof treatments that range from traditional tiled pitched roofs to shallow pitches and flat roofs. The site itself is formed of six banks of garage blocks addressing three small service lanes.
6. The proposed development of 17 flats would replace these garages with a three storey block in an L shape addressing Lawrance Gardens as it follows the curve in the road. The block would be arranged in a slightly staggered format to the road-facing elevations with projecting entrance ways and slightly recessed and partly enclosed balcony areas to the individual flats.
7. The building would be relatively large by comparison to many other buildings in the locality however it's overall mass would be similar to the flat blocks at Cadmore Court and Pardix House addressing Cadmore Lane, or to the circa 1960s commercial and retail buildings addressing High Street. The building would be substantially larger than other buildings along Lawrance Gardens which are two storey with shallow pitched roofs and the terraced and semi-detached homes addressing Audwick Close and Cadmore Lane.
8. However, the building would sit in a transition area between the larger buildings clustered towards the High Street and the lower density arrangements of homes further to the north and east. To my mind, this would read as a logical evolution of the built form from the denser and more urbanised context along the High Street to the more suburban setting a little further away.
9. Although the building is large, its mass and scale is broken up through its design which provides interest. The change in scale would probably be most appreciable from the rear aspect of homes addressing Audwick Close. However, this rear aspect of the proposed building also features articulation and a variety of materials to break up its size.
10. Overall, I conclude that the proposed building would have an acceptable design and appearance. Whilst recognising its overall bulk and mass and that this would make a distinct change to this part of Lawrance Gardens, I find that the building is well articulated through design details and use of materials. As such, I conclude that it would not be harmful to the character and appearance of the area. The proposed development therefore complies with policy DSC1 of the Broxbourne Local Plan 2020 (BLP) in that it achieves a high standard of design, taking into account existing patterns of development.

Vehicle parking

11. The Council's adopted parking standards are set out in policy TM5 and related schedule of parking standards at Appendix B of the BLP. Based upon the mix of

15 two bedroom dwellings and 2 three bedroom dwellings, the Council considers that this requires the provision of a total of 35 spaces to cater for the development. The proposed development only provides a total of 18 spaces which equates to one per dwelling and one spare.

12. The proposal would, technically, result in the loss of a substantial number of parking spaces within the existing garages in addition to the on-street parking provision to the front of the site. Given the size and nature of the garages it is reasonable to assume, as per the appellants suggestion, that very few of them would have been, or indeed could have been, used for vehicle parking.
13. The appellant has stated that the Council is moving towards adopting a Public Transport Accessibility Level (PTAL) style system as is utilised across London Boroughs. This is detailed in the supporting text to policy TM5 of the BLP however I have not been provided with any further evidence on this. If I were to accept the appellant's 'manual' PTAL assessment this would suggest a low/medium level of public transport accessibility. This would equate to the provision of 0.75 spaces per dwelling. Census data from 2011 suggests that vehicle ownership in the locality is also 0.75 per flat.
14. A parking survey was also conducted by the appellant and this suggests mid-to-high levels of parking stress on surrounding roads although there was a significant variation between individual roads. I am also mindful of the substantial number of comments by local residents and members who will have a day-to-day knowledge of parking availability on the ground.
15. Whilst I am not wholly persuaded by the use of a 'manual' PTAL rating for this area, this assessment does highlight that the site is near to local facilities and services. Moreover, it further identifies the proximity to local public transport provision in the form of frequent buses along High Street and relative closeness to Cheshunt train station. Although the census information on parking demand per flat is somewhat dated, it represents a reasonable benchmark. The parking survey does suggest that spaces are available overnight but these may not be in a convenient walking distance to all residents. Moreover, having regard to local residents comments and that the site is set to the edge of a small commercial area, I find that parking demand is likely to vary over the course of the day such that the overnight assessment in the parking survey may not offer a complete picture.
16. However, weighing all the above matters together, the evidence does suggest that one vehicle space per dwelling for the proposed development would be sufficient to ensure it does not increase on-street parking demand overall. Whilst I do accept that it is unlikely to ameliorate existing conditions, it is unlikely to worsen the situation. It is for this reason I conclude that the proposal complies with policy TM5 of the BLP in that sufficient parking is made available for the development.

Other Matters

17. The development is put forward as 100% affordable housing. For this reason, the Council has indicated it would waive infrastructure contributions required through the Community Infrastructure Levy (CIL). No planning obligation to secure the proposed dwellings as affordable housing was submitted with the application or appeal and this would normally be a requirement in order to pass the test of enforceability. Ensuring that any planning obligation or other agreement is entered

into prior to granting planning permission is the best way to deliver sufficient certainty for all parties about what is being agreed.

18. However, the Planning Practice Guidance (PPG) notes that in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate, where there is clear evidence that the delivery of the development would otherwise be at serious risk. In this case, I have noted that both parties are satisfied that a condition can be imposed to secure the scheme as affordable housing. Moreover, the applicant/appellant/landowner is also an affordable housing provider, and this gives me certainty that the development can be delivered in this intended manner. The Council suggests that the development may be at risk due to the costs and delays associated with producing a planning obligation. In addition, the scheme is presented as 100% affordable accommodation and there is therefore no ambiguity as to the make-up of affordable units or their delivery.
19. I conclude that a condition can be imposed to secure the affordable housing and this is explored further in my discussion on conditions as per below.
20. In reaching my conclusions here I have had regard to the comments of neighbours on varying issues. Concerns were expressed regarding the lack of maintenance regarding the existing garage blocks, however as the site has no doubt been planned for redevelopment for some time this is not unexpected as it would make little sense to maintain structures which are to be demolished. Refuse storage is proposed within the scheme and I have imposed a condition to ensure this will be implemented. This should mitigate rubbish and litter concerns from the development.
21. Overlooking concerns have been expressed. However, the distance of windows to the new flats would be a sufficient distance from neighbours such that these would not cause an unreasonable loss of privacy. Balconies, where people may dwell, are confined to the public facing elevations and do not offer direct vantage towards neighbours. The building is sufficiently distant from neighbours such that there would not be any loss of light to neighbouring homes.
22. There may be some noise and disturbance generated by introducing additional residents to the area but I have no reason to conclude that this would be any different to any other residential property in a built-up area. Whilst the rear boundaries to some neighbouring gardens would have a change to what they adjoin, this replaces the existing garage blocks and therefore, compared to what these garages could be used for, this change would be minimal.
23. I accept that there would be some disturbance during the construction of the development but this will be a temporary situation. I have imposed a condition relating to hours of construction to ensure that is not undertaken at anti-social times.

Conclusion

24. For the reasons given above I conclude that the proposed development complies with the provisions of the development plan and the material considerations do not indicate that a decision should be made other than in accordance with it. The

appeal is, therefore, allowed and planning permission is granted subject to the conditions set out below.

Conditions

25. The Council have provided a schedule of conditions and I have imposed these in general substance with alterations and corrections. Conditions 2, 4, 5, 6, 10, 12, 13, 16 and 18 to 21 are pre-commencement conditions. The appellant has been consulted on these conditions having regard to the provisions of S100ZA of Town and Country Planning Act 1990 (as amended) (the Act).
26. Condition 1 is a time limit condition and is imposed here to accord with the provisions of the Act.
27. Condition 2 is imposed to ensure the development is delivered as 100% affordable housing. The parties have agreed to this condition, and I am satisfied that in this instance it is reasonable, necessary and enforceable and is in accordance with the tests set out in the PPG. It is further required due to the waiving of contributions payable under the CIL Regulations as this is only done here due to the overall benefit offered through the provision of affordable homes for which there is a demonstrable need.
28. The third condition is imposed to secure adherence to the approved plans in the interests of certainty.
29. Condition 4 is imposed to ensure the development is constructed in an acceptable palette of materials to ensure it integrates with the character and appearance of the area. The same reasoning applies to condition 5 in addition to ensuring an acceptable standard of living conditions for existing neighbours and future residents.
30. Condition 6 is imposed to ensure waste and recycling are managed appropriately.
31. Conditions 7 and 8 are imposed to ensure the development is satisfactorily landscaped and integrates with its surroundings in the interests of the character and appearance of the area and the living conditions of residents.
32. Conditions 9 to 12 (inclusive) pertain to the manner of dealing with water and drainage. They are imposed here to ensure that the development is satisfactorily drained and does not result in flooding.
33. Conditions 13 and 14 relate to parking and access. These are imposed here to ensure the development provides adequate off street parking facilities and the access thereto is not harmful to highway safety.
34. A Travel Plan is required under condition 15. This is to promote sustainable transport options for future residents and encourage the use of public transport options which are available for those residents.
35. I have imposed conditions 16 and 17 here due to the size of the site, its proximity to residential areas, the local parking conditions and in the interests of highway safety.
36. Condition 18 relates to the provision of charging points for electric vehicles. This ensures that the future occupants will have access to this facility.

37. Condition 19 requires integrated bird and bat boxes. This will ensure an urban habitat is provided for native species in the interest of biodiversity. Condition 20 is imposed to ensure that the lighting is appropriate for these species and is also imposed in the interests of safety and security for future residents and in the interests of the character of the area.
38. Condition 21 relates to obscure glazing on the flank elevations of the building and is required to mitigate overlooking towards immediate neighbours. For the avoidance of doubt, this relates to the south facing windows to flats 6 and 12 and the east facing windows to flats 11 and 17, as shown on plans 0552/PL/3/1101 and 0552/PL/3/1102.
39. Finally, a condition is imposed to deal with contamination in the event this is found, and this is in the interests of public health and the environment.

N Bowden

INSPECTOR

Richborough

Schedule of Conditions

- 1) The development to which this permission relates shall be begun within a period of three years commencing on the date of this decision.
- 2) No development shall take place until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
 - a) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 100% of housing units/bed spaces;
 - b) the arrangements for the transfer of the affordable housing to an affordable housing provider;
 - c) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - d) the nomination details and occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained in accordance with the approved scheme.

- 3) The development hereby permitted shall be carried out and completed in accordance with the proposals contained in the application and drawing numbers 0552/PL/3/001/A, 0552/PL/3/220/B, 0552/PL/3/051/B, 0552/PL/3/220/A, 0552/PL/3/1100, 0552/PL/3/1101, 0552/PL/3/1102, 0552/PL/3/1103, 0552/PL/3/055, 0552/PL/3/221, 0552/PL/3/1200/A, 0552/PL/3/1201/A, 0552/PL/3/1202/A, 0552/PL/3/1203/A, 0552/PL/3/1204/A, 0552/PL/3/1205/A.
- 4) No development shall take place until details/samples of all external facing, roofing and surfacing materials to be used in the development have been submitted to and approved by the Local Planning Authority in writing. Thereafter the development shall proceed in accordance with those details.
- 5) No development shall take place until details of all screen and boundary walls, fences and any other means of enclosure including any party wall retaining structures to be used in the development have been submitted to and approved by the Local Planning Authority. Such approved means of enclosure to be erected before the first dwelling is occupied and retained thereafter.
- 6) No development shall take place until details of satisfactory facilities to be provided for the storage and removal of refuse from the premises shall be submitted to and approved in writing by the Local Planning Authority and installed before the first dwelling is occupied.
- 7) A landscaping scheme comprising a plan and specification shall be submitted to and approved by the Local Planning Authority in writing prior to work

proceeding beyond ground floor slab level on the site. It shall be carried out and implemented within 18 months of the commencement of the development or in the first available planting season thereafter.

- 8) No existing trees, shown to be retained on the plans hereby permitted shall be lopped, topped, felled or otherwise interfered with and no existing hedges shown to be retained shall be removed before the expiration of a period of 5 years after completion of the development permitted. All trees and hedges within the site to be retained shall be protected by 1m high fences for the duration of the building works at a distance equivalent to not less than the crown spread from the trunk. No materials or plant shall be stored, rubbish dumped, fires lit or buildings erected within this fence and no changes in ground level may be made within the spread of the tree or hedge.
- 9) All development shall be constructed in accordance with the submitted and approved Drainage Response Summary Report prepared by Tullys dated 3 October 2023, reference 14922 Issue 2, including a maximum discharge rate of 2.0 l/s to existing Thames Water manhole SWMH 9161.
- 10) No development shall take place until a detailed drainage strategy including construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement has been submitted to and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, and approved Drainage Response Summary Report prepared by Tullys dated 3 October 2023, reference 14922 Issue 2 and Drawings, and remain in place for the lifetime of the development unless agreed in writing by the Local Planning Authority. The scheme shall address the following matters:
 - a) Provision of a detailed drainage strategy including all pipe runs, inlets/outlets, SuDS features and pipe node numbers.
 - b) Detailed drainage calculations for all events up to and including the 1 in 100 year + 40% climate change storm, with half drain down times.
 - c) Finished floor levels set 300mm above all sources of flood risk or 150mm above finished ground levels, whichever is more precautionary.
 - d) Updated flood exceedance routes for events in excess of the 1 in 100 year + 40% climate change storm.
 - e) Investigation into the use of above-ground SuDS features such as tree pits, SuDS planters and rain gardens to provide biodiversity and amenity benefits.
- 11) Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 10. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in

accordance with the approved timetable and subsequently resurveyed with the findings submitted to and approved in writing by the Local Planning Authority upon completion of the development.

- 12) No development shall take place until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement.
- 13) No development shall take place until, details of the new access serving the development from Lawrance Gardens shall be submitted for the written approval of the Local Planning Authority and the new access shall be implemented in full as approved prior to first occupation of the building.
- 14) Before the development hereby approved is first occupied, all on site vehicular areas shall be accessible, surfaced (and marked) to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.
- 15) Prior to the occupation of the first dwelling, a detailed Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority.
- 16) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan shall include details of:
 - a) Construction vehicle numbers, type, routing;
 - b) Access arrangements to the site;
 - c) Traffic management requirements
 - d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e) Siting and details of wheel washing facilities;
 - f) Cleaning of site entrances, site tracks and the adjacent public highway;
 - g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h) Provision of sufficient on-site parking prior to commencement of construction activities;

- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - j) Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.
- 17) No construction related deliveries or development shall take place outside of the hours of 8:00am-6:00pm Monday-Friday and 8:00am-1:00pm Saturday. No such deliveries or work shall take place on Sunday, Statutory or Bank/Public Holidays.
- 18) No development shall take place until details of the EV charging provision to be installed in the parking areas shall be submitted for the written approval of the Local Planning Authority. The approved scheme for EV charging shall be installed prior to occupation of the first dwelling and maintained thereafter for the life of the development.
- 19) No development shall take place until details of the model, number and location of integrated bird and bat bricks/boxes have been submitted for the written approval of the Local Planning Authority and shall be installed as approved prior to occupation of the first dwelling.
- 20) No development shall take place until details of the external lighting strategy for the site has been submitted for the written approval of the Local Planning Authority. The external lighting shall be installed in accordance with the approved details prior to occupation of the first dwelling and maintained thereafter for the life of the development.
- 21) No development shall take place until details of the privacy measures to be installed on glazing to the southern and eastern flanks of the building above ground floor level shall be submitted for the written approval of the Local Planning Authority and shall be implemented and maintained as approved for the life of the development.
- 22) In the event contamination is found at any time when carrying out the development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

End of Schedule